IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Summons for Judgment No. 917 of 2004
in
Summ. Suit No. 3132 of 2003

Aarke Paintchem Private Limited ..Plaintiff

vs.

Veena Harish Kumar ..Defendant

Mr.P.B.Baria for plaintiff.

CORAM: S.U.KAMDAR J.
5th OCTOBER, 2005

P.C.

. Admittedly the transactions are with the deceased husband of the defendant who has since expired. Even the cheques are issued by the defendant's husband. In that view of the matter the suit cannot be maintained as a summary suit under Order 37 against the legal heirs. The claim will have to be proved to show that the same is payable by the legal heirs and further what amount of the share of the estate of the deceased has come to their hand. In that view of the matter unconditional leave to defend the suit.

. The suit be transferred to the list of Commercial Causes. Written statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within

four weeks thereafter. Inspection and discovery within four weeks thereafter. Suit to be placed on the board of the learned Judge taking Commercial Causes.